

Appendix 6-A

Title 31 Texas Administrative Code Chapters 357 and 358 Regulations Pertaining to the 2016 Plan

This appendix includes a matrix highlighting each regulation pertinent to the 2016 Plan in Chapters 357 and 358 of the Texas Administrative Code, Title 31. The matrix is used as a checklist to demonstrate compliance with these regulations.

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**2016 Water Plan
East Texas Region**

Regulatory Citation	Summary of Requirement	2016 Plan Compliance (Yes/No)	Location(s) in the Regional Plan and/or Other Commentary
31 TAC §357.11			
(d)(1)-(12)	RWPGs shall maintain at least one representative of the following interest categories as voting members: public, counties, municipalities, industries, agricultural interests, environmental interests, small businesses, electric generating utilities, river authorities, water districts, water utilities, and groundwater management areas.	Yes	Chapters 1 and 10 provide a list of current voting members of the RWPG.
(e)(1)-(5)	Non-voting members will receive the same meeting notifications and information as voting members. Non voting members are to include: staff members from the Board, from Texas Parks and Wildlife, from the Texas Department of Agriculture, and from each adjacent RWPG; persons to represent entities which are located in another RWPA but which diverts, supplies, or receives 1,000 acre-feet a year or more in , to, or from the RWPA.	Yes	Chapter 1 provides a list of current non-voting members of the RWPG.
31 TAC §357.12			
(b)	A RWPG shall hold a public meeting to determine the process for identifying potentially feasible water management strategies. Input from the public meeting will be documented. All possible water management strategies that are potentially feasible for meeting needs in the region will be listed.	Yes	The process used to identify potentially feasible WMSs was addressed in two regularly scheduled meetings of the ETRWPG on February 1, 2012 and May 22, 2013. Appendix 5A-B lists all potentially feasible WMSs identified.
31 TAC §357.20			
	Development of RWPs shall be guided by the principles stated in Title 31 §358.3 (relating to Guidance Principles).	Yes	See 31 TAC §358.3 below.
31 TAC §357.21			
(b)	Public notice requirements for regular RWPG meetings and meetings where the following were considered: amendments to the RWP scope or budget, process for identification of potentially feasible water management strategies, member addition or replacement, and adoption of water plans.	Yes	Public notice requirements met and are addressed in Chapter 10.
(c)	Public notice requirements for meetings where the following items were considered: population projection and water demand projection revisions, substitution of alternative water management strategies, and minor amendments to the RWPs.	Yes	Public notice requirements met and are addressed in Chapter 10.

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(d)	Public notice requirements for holding a preplanning public meeting to obtain public input on development of the next RWP; major amendments to RWPs; holding hearings for IPPs; and requesting research and planning funds from the Board.	Yes	Public notice requirements met and are addressed in Chapter 10.
31 TAC §357.22			
(a)	RWPGs shall consider existing local, regional, and state water planning efforts, including water plans, information and relevant local, regional, state and federal programs and goals when developing the regional water plan. RWPGs must also consider:	Yes	Relevant State and federal programs and goals are addressed primarily in Chapter 1. As appropriate, water plans of specific WUGs have been considered in the evaluation of WMSs in Chapter 5B. Coordination with Regions D, C, and H (all adjacent to the ETRWPA) has occurred and planning efforts of these regions considered.
(a)(1)	water conservation plans;	Yes	Chapter 5C addresses water conservation efforts in the region and summarizes water conservation plans reviewed.
(a)(2)	drought management and drought contingency plans;	Yes	Chapter 7 addresses drought management and drought contingency within the region and summarizes drought management and drought contingency plans reviewed.
(a)(3)	information compiled by the Board from water loss audits performed by retail public utilities;	Yes	Chapter 1, Chapter 5C, and Appendix 1-B describe information on water loss audits.
(a)(4)	publicly available plans for major agricultural, municipal, manufacturing and commercial water users;	Yes	Publicly available plans for major agricultural, municipal, manufacturing, and commercial water users were not identified. However, Appendix 2-A contains a technical memorandum regarding rice production and water use in the region.
(a)(5)	local and regional water management plans;	Yes	Chapter 1 summarizes local and regional water management plans identified in the RWPA.
(a)(6)	water availability requirements;	Yes	Water availability is addressed primarily in Chapter 3.
(a)(7)	the Texas Clean Rivers Program;	Yes	Chapter 1 references the Texas Clean Rivers program. Where relevant, water quality data from the program were used.

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(a)(8)	the U.S. Clean Water Act;	Yes	Chapter 1 references the CWA; the CWA is a cornerstone of the water planning process and central to the planning process for the 2016 Plan.
(a)(9)	water management plans;	Yes	See above.
(a)(10)	other planning goals including regionalization of water and wastewater services where appropriate;	Yes	Regionalization of water and wastewater services has been considered where appropriate. Chapter 5B includes WMSs that may address regionalization.
(a)(11)	approved groundwater conservation district management plans and other plans submitted	Yes	Groundwater Conservation Districts have been included, where appropriate, in Chapters 1, 3, and 5B.
(a)(12)	approved groundwater regulatory plans; and	Yes	See above.
(a)(13)	any other information available from existing local or regional water planning studies.	Yes	See above.
(b)	The following sections from Title 31 should have a separate chapter in the RWP devoted to their contents: §§357.30, 357.31, 357.32, 357.33, 357.42, 357.43, 357.44, 357.45, 357.50, 357.34, 357.35, 357.40, and 357.41	Yes	The 2016 Plan contains chapters as required by the rules and TWDB Guidance.
31 TAC §357.30			
	The description of the RWP area must include a description of the following 12 criteria:		
(1)	social and economic aspects of a region such as information on current population, economic activity and economic sectors heavily dependent on water resources;	Yes	Chapter 1 describes the social and economic aspects of the region relative to water resources.
(2)	current water use and major water demand centers;	Yes	Chapters 1 and 2 include current water use and major water demand centers.
(3)	current groundwater, surface water, and reuse supplies including major springs that are important for water supply or protection of natural resources;	Yes	Chapter 1 generally describes groundwater, surface water, reuse, and springs. Chapter 3 includes more specific information on groundwater, surface water, and reuse sources that are, or may be, used for water supply.

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(4)	wholesale water providers;	Yes	Chapter 1 identifies the region's WWP. Chapters 2 and 3 describe WWP demands and supply. Chapter 5B addresses WMSs for each WWP in the region.
(5)	agricultural and natural resources;	Yes	Chapter 1 provides a description of the agricultural and natural resources of the region; Chapter 6 describes protection of these resources.
(6)	identified water quality problems;	Yes	Chapter 1 provides a discussion of water quality problems that may be relevant to regional water planning. To the extent possible, water quality issues are considered in the evaluation of WMSs in Chapter 5B.
(7)	identified threats to agricultural and natural resources due to water quantity problems or water quality problems related to water supply;	Yes	Chapters 1 and 6 describe threats to agricultural and natural resources due to water quantity or quality issues.
(8)	summary of existing local and regional water plans;	Yes	Chapter 1 contains descriptions of relevant existing local and regional water plans.
(9)	the identified historic drought(s) of record within the planning area;	Yes	Chapters 7 contain a discussion of historic droughts of record within the RWPA.
(10)	current preparations for drought within the RWPA;	Yes	Chapters 1 and 7 describe current preparations for drought within the region.
(11)	information compiled by the Board from water loss audits performed by retail public utilities; and	Yes	Chapters 1 and 5C summarize water loss audits compiled by the TWDB; Appendix 1-B presents the data.
(12)	an identification of each threat to agricultural and natural resources and a discussion of how that threat will be addressed or affected by the water management strategies evaluated in the plan.	Yes	Chapters 1 and 6 describe threats to agricultural and natural resources due to water quantity or quality issues. Chapter 5B provides a discussion of how WMSs address threats.
31 TAC §357.31			
(a); (f)	RWPs shall present projected population and WUG water demands for each planning decade.	Yes	Chapter 2 provides projections of population and WUG water demands for the period 2020-2070.

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(b)	RWPs shall present projected water demands associated with WWPs by category of water use, including municipal, manufacturing, irrigation, steam electric power generation, mining, and livestock for each county or portion of a county in the RWPA.	Yes	Chapter 2 provides projections of WWP water demands for all categories of water use. Appendix 2-D contains a summary of WWP demands by category, county, and basin.
(c)	RWPs shall report the current contractual obligations of WUG and WWPs to supply water in addition to any demands projected for the WUG or WWP.	Yes	Chapter 2 reports current contractual obligations of WUGs and WWPs.
(d)	Municipal demands shall be adjusted to reflect water savings due to plumbing fixture requirements identified in the Texas Health and Safety Code, Chapter 372.	Yes	Municipal demands, addressed in Chapter 2, include water savings due to plumbing fixture requirements. Chapter 5C includes further discussion of required water conservation measures.
(e)(1)-(2)	RWPs are to use population and water demands developed by the EA for the next water plan or use population and water demands revisions (only if requested).	Yes	Population projections and municipal water demands developed by the EA were used in development of the RWP; projections are presented in Chapter 2.
31 TAC §357.32			
(a)(1)-(2)	RWPGs shall evaluate the source water availability and existing water supplies that are legally available to WUGs and wholesale water providers during drought conditions.	Yes	Water availability, addressed in Chapter 3, includes water legally available to WUGs and WWPs during drought conditions.
(b); (c); (d)	RWPG evaluations shall consider surface water (firm yield unless otherwise requested) and groundwater (modeled, Board-issued) data from the state water plan, existing water rights, contracts and option agreements relating to water rights, other planning and water supply studies, and analysis of water supplies existing in and available to the RWPA during drought of record conditions.	Yes	The availability of water addressed in Chapter 3 included consideration for the requirements of this section. WMS evaluations in Chapter 5B used Chapter 3 availability.
(e)-(f)	RWPGs shall evaluate the existing water supplies for each WUG and WWP; existing contractual agreements should be taken into account.	Yes	Contractual agreements were taken into account as appropriate in the development of existing water supplies presented in Chapter 3.

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31 TAC §357.33			
(a); (b); (d)	RWPs shall include, for each planning decade, comparisons of existing water supplies and projected water demands to determine whether WUGs will experience water surpluses or needs for additional supplies. Results will be reported for WUGs and for WWPs by use categories, county, and basin as described in §357.31 (b)	Yes	Chapter 4 provides a comparison of water demands to supplies to determine surplus or needs for each WUG and WWP. The WWP and WUG results are reported in Appendix 4-A.
(c)	Social and economic impacts of water shortages will be evaluated.	Yes	A socio-economic impact analysis prepared by the TWDB was provided to the RWPG after submittal of the IPP. The analysis report is presented in Appendix 4-E and summarized in Chapter 4.
(e)	RWPGs shall perform a secondary water needs analysis (calculating water needs remaining after all conservation and direct reuse strategies are implemented) for all WUGs and WWPs for which conservation water management strategies or direct reuse water management strategies are recommended.	Yes	Secondary water needs analyses have been performed for WUGs and WWPs for which conservation WMSs were recommended by the TWDB. The data is presented in Appendix 4-B and summarized in Chapter 4.
31 TAC §357.34			
(a) & (b)	RWPGs shall identify and evaluate potentially feasible water management strategies for all WUGs and WWPs with identified water needs. The strategies shall meet new water supply obligations necessary to implement recommended water management strategies of WWPs and WUGs. RWPGs shall plan for water supply during Drought of Record conditions. In developing RWPs, RWPGs shall provide WMSs to be used during a drought of record.	Yes	Chapters 5A and 5B identify and evaluate potentially feasible WMSs for WUGs and WWPs.
(c)	Potentially feasible WMSs may include expanded use of existing supplies; new supply development; conservation and drought management measures; reuse; interbasin transfers of surface water; emergency transfers of surface water.	Yes	Chapter 5A describes the types of WMSs used in the 2016 Plan.
(d)(1)	Evaluations of potentially feasible water management strategies shall use the Commission's most current Water Availability Model and shall include the following analyses:	Yes	Chapter 3 describes the use of the WAM in the 2016 Plan. Strategies evaluated in Chapter 5B utilize available water supplies identified in Chapter 3.
(d)(2)	An equitable comparison between and consistent evaluation and application of all water management strategies the RWPGs determine to be potentially feasible for each water supply need	Yes	Chapter 5B contains WMS evaluations.

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(d)(3)(A)-(C)&(d)(5)	A quantitative reporting of: the net quantity, reliability, and cost of water delivered and treated for the end user's requirements during drought of record conditions; all applicable environmental factors; and impacts to natural and agricultural resources (including threats).	Yes	Chapter 5B contains WMS evaluations.
(d)(4); (d)(7)	A discussion of this RWP's impact on other water resources of the state and on local third-party social and environmental impacts.	Yes	Chapters 5B and 6 contain discussion of impacts on other water resources of the state and on local third-party social and environmental impacts.
(d)(8)	A description of the major impacts of recommended water management strategies on key parameters of water quality, comparing current conditions to recommended strategies.	Yes	Chapter 1 addresses issues of key parameters of water quality. Where appropriate, water quality is considered in the evaluations of WMSs in Chapter 5B.
(d)(9)	Consideration of water pipelines and other facilities that are currently used for water conveyance.	Yes	Chapter 5B includes consideration of conveyance for WMSs.
(f)(1); (f)(2)(A)-(D)	Conservation, Drought Management Measures, and Drought Contingency Plans shall be considered by RWPGs when developing the regional plans. Water conservation practices shall be included for each WUG beyond minimum requirements. Any interbasin water transfers will also include a water conservation strategy. Any water loss audits shall be addressed.	Yes	Chapters 5C and 7 contain most of the required information regarding conservation and drought management measures for each WUG.
(g)	RWPGs shall include a subchapter consolidating the RWPG's recommendations regarding water conservation.	Yes	Summaries of the RWPG's recommendations regarding water conservation are included in Chapter 5C.
31 TAC §357.35			
(a);(b);(c);(f)	RWPGs shall recommend water management strategies to be used during a drought of record. Potentially feasible water management strategies shall be specific, cost effective, environmentally sensitive, and consistent with the long-term protection of the state's water, agricultural, and natural resources. Strategies shall protect existing water rights, water contracts, and option agreements.	Yes	Chapter 5A contains a list of potentially feasible WMSs identified. Chapter 5B evaluations were performed using a drought of record as a basis for the 2016 Plan.
(d)	Water management strategies shall meet all water needs for drought conditions, except when no water management strategy is feasible or when a political subdivision that provides water explicitly does not participate.	Yes	Chapter 5B WMSs were designed to meet water needs for drought conditions.

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(g)(1)	RWPGs shall report recommended water management strategies and the associated results of all the potentially feasible water management strategy evaluations by WUG and WWP.	Yes	Chapter 5B and associated appendices report results by WUG and WWP.
(g)(2)	Calculated supply factors for each WUG and WWP, by entity and planning decade, shall be calculated based on the sum of the total existing water supplies, plus all water supplies from recommended water management strategies; divided by total projected water demand.	Yes	Supply factors were evaluated by the TWDB and presented in Appendix 5B-E.
(g)(3)	Fully evaluated Alternative Water Management Strategies included in the adopted RWP shall be presented together in one place in the RWP.	Yes	Chapter 5B presents a summary of Alternative WMSs evaluated.
31 TAC §357.40			
(a)	RWPs shall include a quantitative description of the socioeconomic impacts of not meeting the identified water needs.	Yes	Appendix 4-D contains a socio-economic impact analysis prepared by the TWDB.
(b)(1)-(6)	RWPs shall include a description of the impacts of the RWP regarding agricultural resources, other water resources of the state, threats to agricultural and natural resources, third-party social and economic impacts resulting from voluntary water redistributions, water quality, and effects on navigation.	Yes	Chapter 6 contains discussion of impacts on other water resources of the state and on local third-party social and environmental impacts.
(c)	RWPs shall include a summary of the identified water needs that remain unmet by the RWP.	Yes	Chapter 5B includes a summary of unmet needs.
31 TAC §357.41			
	RWPGs shall describe how RWPs are consistent with the long-term protection of the state's water resources, agricultural resources, and natural resources.	Yes	Chapter 6 provides a demonstration of how the 2016 Plan is consistent with the long-term protection of the state's water resources, agricultural resources, and natural resources
31 TAC §357.42			
(a)	RWPs shall consolidate and present information on current and planned preparations for, and responses to, drought conditions in the region including drought of record conditions based on the following subsections:		
(b);(c)	RWPGs shall conduct an overall assessment of current preparations for drought and develop drought response recommendations for groundwater and surface water sources.	Yes	Chapter 7 describes current preparations for drought within the region.

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(d);(e)	RWPGs will collect (in a closed meeting) and submit (separately to the EA) information on existing major water infrastructure facilities that may be used for interconnections in event of an emergency shortage of water and will provide descriptions of local drought contingency plans that involve making emergency connections.	Yes	Chapter 7 describes emergency interconnections. Information related to existing interconnections is considered confidential and was not presented in the 2016 Plan.
(g)	The RWPGs shall evaluate, for all applicable municipal WUGs, potential emergency responses to local drought conditions or loss of existing water supplies, including identification of potential alternative water sources that may be considered for temporary emergency use.	Yes	Chapter 7 describes potential emergency responses to drought within the region.
(h)	RWPGs shall consider any relevant recommendations from the Drought Preparedness Council.	Yes	Relevant recommendations from the Drought Preparedness Council have been considered in Chapter 7.
(i); (i)(1)-(4)	RWPGs shall make drought preparation and response recommendations regarding local drought contingency plans; current drought management preparations, including drought response triggers and responses to drought conditions; and The Drought Preparedness Council and the State Drought Preparedness Plan.	Yes	Chapter 7 contains recommendations regarding local drought contingency plans and preparations.
(j)	The RWPGs shall develop region-specific model drought contingency plans.	Yes	Appendix 7-A includes model drought contingency plans.
31 TAC §357.43			
(a); (d)	The RWPGs shall contain any regulatory, administrative, or legislative recommendations developed by the RWPGs, including those that the RWPG believes are needed and desirable to facilitate the orderly development, management, and conservation of water resources and prepare for and respond to drought conditions.	Yes	Chapter 8 includes relevant regulatory, administrative, and legislative recommendations of the RWPG.
(b); (c)	If "Ecologically Unique River and Stream Segments" and "Unique Sites for Reservoir Construction" are designated by the RWPGs, the RWP should include relevant descriptions, value, and other relevant criteria, as described in this section.	Yes	Chapter 8 includes recommendations regarding ecologically unique river and stream segments and unique sites for reservoir construction.

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31 TAC §357.44			
	RWPGs shall assess and quantitatively report on how individual local governments, regional authorities, and other political subdivisions in their RWPA propose to finance recommended water management strategies.	Yes	Appendix 9-A contains the infrastructure financing report and Chapter 9 summarizes the proposed financing.
31 TAC §357.45			
(a)	RWPGs shall describe the level of implementation of previously recommended water management strategies, recommended in the previous RWP, including conservation and drought management water management strategies; and the implementation of projects that have affected progress in meeting the state's future water needs.	Yes	Appendix 11-A summarizes the survey results reporting implementation of the 2011 Plan WMSs.
(b)(1)-(4)	RWPGs shall provide a brief summary of how the RWP differs from the previously adopted RWP with regards to: water demand projections; drought of record and hydrologic and modeling assumptions used in planning for the region; groundwater and surface water availability, existing water supplies, and identified water needs for WUGs and WWPs; and recommended and alternative water management strategies.	Yes	Chapter 11 provides a summary of how the 2016 Plan and the 2011 Plan differ.
31 TAC §357.50			
(a)	The RWPGs shall submit their adopted RWPs to the Board every five years on a date to be disseminated by the EA.	Yes	The 2016 Plan has been adopted in accordance with a schedule provided by the EA.
(b)	Prior to the adoption of the RWP, the RWPGs shall submit concurrently to the EA and the public an IPP. The IPP shall be distributed in accordance with Title 31 §357.21(d)(5).	Yes	The 2016 IPP was submitted to the TWDB as required.
(d)(1)-(3)	When adopting a RWP the RWPGs shall solicit, and consider properly submitted written comments from the EA and from any federal or Texas state agency; and properly submitted written or oral comments from the public.	Yes	The RWPG has considered comments from the EA, federal and state agency comments, and public comments in finalization of the 2016 Plan. Comments are available in Appendix 10-C.
(e)(1)(A)-(C)	When submitted, RWP shall include: a technical report, an executive summary, and summaries of and responses to all comments (written and oral).	Yes	The 2016 Plan includes a required technical report and executive summary. Responses to comments are included as Table 10.2

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31 TAC §358.3			
(2)	The regional water plans and state water plan shall serve as water supply plans under drought of record conditions.	Yes	The supply availability and existing water supplies evaluated in Chapter 3 assume drought of record conditions. Chapters 3 and 7 describe this evaluation.
(4)	Regional water plans shall provide for the orderly development, management, and conservation of water resources and preparation for and response to drought conditions so that sufficient water will be available at a reasonable cost to satisfy a reasonable projected use of water to ensure public health, safety, and welfare; further economic development; and protect the agricultural and natural resources of the regional water planning area.	Yes	Chapter 5B presents WMS evaluations developed in response to projected demands and potential drought conditions.
(5)	Regional water plans shall include identification of those policies and action that may be needed to meet Texas' water supply needs and prepare for and respond to drought conditions.	Yes	The Chapter 5B WMS evaluations identify policies and action that may be required in drought conditions.
(6)	RWPG decision-making shall be open to and accountable to the public with decisions based on accurate, objective and reliable information with full dissemination of planning results except for those matters made confidential by law.	Yes	Chapter 10 summarizes public notice requirements and provides examples of how these requirements were met during the planning cycle.
(7)	The RWPG shall establish terms of participation in its water planning efforts that shall be equitable and shall not unduly hinder participation.	Yes	Chapter 10 summarizes how participation was encouraged as a part of water planning efforts in the RWPA.
(27)	RWPGs shall conduct their planning to achieve efficient use of existing water supplies, explore opportunities for and the benefits of developing regional water supply facilities or providing regional management of water facilities, coordinate the actions of local and regional water resource management agencies, provide substantial involvement by the public in the decision-making process, and provide full dissemination of planning results.	Yes	Chapter 3 discusses the evaluations of existing water supplies, Chapter 1 summarizes local and regional plans considered in the planning process, and Chapter 10 summarizes public involvement in the region.
(28)	RWPGs must consider existing regional water planning efforts when developing their plans.	Yes	Chapter 1 summarizes existing regional water plans that were considered in development of the 2016 Plan.

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